

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE KROGER CO.,	:	Case No.: C-1-02-439
	:	
Plaintiff,	:	Beckwith, J.
	:	Sherman, M.J.
	:	
v.	:	<b><u>THE KROGER CO'S MOTION TO</u></b>
	:	<b><u>EXTEND THE DISCOVERY DEADLINE</u></b>
	:	<b><u>IN ORDER TO PERMIT MALEASE</u></b>
MALEASE FOODS CORP.,	:	<b><u>FOODS CORP. TO TAKE DEPOSITIONS</u></b>
	:	<b><u>OF THE KROGER CO.'S PERSONNEL</u></b>
Defendant.	:	

Pursuant to the Federal Rules of Civil Procedure, Plaintiff The Kroger Co. (“Kroger”) moves this Court to change the discovery cut-off date from February 27, 2004 to March 5, 2004. Kroger makes this request to permit Defendant Malease Foods Corp. (“Malease”) to take depositions of Kroger personnel on a date convenient for all parties.

The individuals from Kroger who will be deposed have busy schedules, so finding a convenient time for them in February has been difficult. Dates that the Kroger personnel have available in February were not convenient for Malease’s counsel; dates that Malease’s counsel have available were either not convenient for the Kroger personnel or Kroger’s counsel.

A one week’s extension of the discovery cut-off would greatly ease the burden on everyone’s schedule and not harm the trial schedule in any foreseeable way.

For this reason, Kroger respectfully moves the Court for a one-week extension of the discovery cut-off date from February 27, 2004 to March 5, 2004. This extension has the full approval of counsel for Malease.

Respectfully submitted,

/s/ Douglas R. Dennis  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2004, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Parties may access this filing through the Court's system.

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